REMARKS

Favorable reconsideration of this application in view of the above amendments and following remarks is respectfully requested.

Claims 1-2 and 4 and 6-34 are pending in this application. Claims 25-34 are withdrawn from consideration. By this amendment, Claims 1, 4-14, and 16-18 are amended; Claims 3 and 5 are canceled; and no claims are added herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1-3, 6-8 and 19-24 were rejected under 35 U.S.C. § 102(b) as anticipated by Usami; and Claims 4-5 and 9-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Usami in view of EP 1271,580 to Chone.

It is respectfully submitted that the applied art does not teach or suggest that the porous film includes at least two layers, each layer having a first kind of particle of one average diameter or length and one layer having additionally a second kind of particle having a larger average diameter or length, as recited in Claim 1.

Instead, Usami discusses a dye-sensitized nano-crystalline photoelectrochemical cell, which includes a bilayer of TiO_2. The bilayer includes a small particle film and a large particle film. As best shown in Fig. 4 of Usami, the two types of TiO_2 particles used differ in their diameter. Accordingly, Usami does not disclose at least two layers with one type of particle being present in all of the layers, and additionally having a type of particle with a larger diameter or length in one layer.

Similar to Usami, Chone does not discuss a porous film having two layers and in each layer a first kind of particle of one average diameter or length and in one layer additionally a second kind of particle having a larger average diameter or length. Instead, Chone discusses a single layer film of metal oxide semiconductor particles, wherein various types of particles are mixed. As discussed throughout the specification of Chone a two-layer system is

described but the particles size in both layers are similar. Please see [0031] to [0032] of Chone.

In the related art, the exclusive use of one type of particles in the first layer and one type of larger particles in the second layer, as for example proposed by Usami, leads to a strongly reduced absorption strength and, thus, a reduced overall efficiency. In contrast, according to one or more embodiments of the present invention, for example as shown in Fig. 8, the mixture of at least two species of particles in one layer, wherein the one species having the smaller diameter or length is also present in all other layers, allows for altering the scattering strength while keeping the adsorption strength at an almost constant level. The features of the claimed invention are not taught or suggested by the applied and therefore the applied art cannot provide at least the advantages discussed above.

Accordingly, withdrawal of the rejection of the claims under 35 U.S.C. § 102 and §103 is respectfully requested.

Consequently, for the reasons discussed in detail above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

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